

Amend Section 63-501.3 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources (Continued)

- (r) Restricted accounts as defined in the Eligibility and Assistance Standards Manual at MPP Section 89-130. (Continued)

Authority cited: Sections 10553, 10554, 11209, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18901, 18901.9, 18904, and 18910, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 272.8(e)(17); 7 CFR 273.2(j)(4); 7 CFR 273.8; 7 CFR 273.8(e)(11), (12)(ii), and (18); 7 CFR 273.8(f) and (h); Federal Register Volume 68, No. 168, Page 51933 published on August 29, 2003; Public Law (P.L.) 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-201; P.L. 101-426, Section 6(h)(2), as specified in United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 91-37; P.L. 101-508, Section 11111(b); P.L. 101-624, Section 1715; P.L. 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; Section 2466d., Title 20, United States Code (U.S.C.); 7 U.S.C. 2014(d) and (g)(6)(A)(i); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i); U.S.D.A., FNS, ANs 91-30 and 94-39; Index Policy Memo 90-22, dated July 12, 1990; U.S.D.A., FNS, AN 94-58, dated July 5, 1994; P.L. 104-193, Sections 810 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); ~~and~~ Food and Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-502.2, .363 and .38 to read:

Post-Hearing: Amend Sections 63-502.2(q), .363(e), .371, .372, .373, .374, .375, and .376 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions (Continued)

- (i) The earned income (as defined in Section 63-502.13) of children who are members of the household, who are elementary or secondary school students at least half time, and who have not attained their ~~18th~~ 19th birthday. Income of a student who attains their ~~18th~~ 19th birthday during the certification period, shall be excluded until the month following the month in which the student turned ~~18~~ 19. If the student becomes ~~18~~ 19 during an application month, the income is excluded in the month of application and counted in the following month except as specified in Section 63-507(a)(4)(A). The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share shall be excluded. Individuals are considered children for purposes of this provision if they are under the parental control, as defined in Section 63-102(p)(1), of another household member. (Continued)
- (p) Child Support payments that a household member pays to or for an individual living outside of the household.
 - (1) The child support exclusion is the monthly amount of child support payments that a household member, with a legal obligation to pay child support payments to or for an individual living outside of the household, actually makes.
 - (2) The payments shall be verified as specified in Section 63-300.51(j).
 - (3) Households that fail or refuse to cooperate by supplying the necessary verifications shall have their eligibility and benefit level determined without a child support exclusion.
 - (4) Payments are excluded only to the extent that they represent the household's child support obligation which has been ordered by a court or administrative authority.
 - (5) Child support payments made to a third party (e.g., a landlord or utility company) on behalf of the nonhousehold member in accordance with the support order shall be included in the child support exclusion. Payments made by a household with a legal obligation to obtain health insurance for a child shall also be included as part of the child support exclusion.
 - (6) Amounts paid toward arrearages shall be excluded from being counted as

income.

- (q) All payments excluded from consideration as income in the Eligibility and Assistance Standards Manual at Section 44-111, with the exception of Sections 44-111.222, .223, .224, 23 and .43.

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- (1) Examples of excluded income include, but are not limited to, the following:

(A) Any college work study programs.

(B) Child/Spousal Support Disregard. The first \$50 per month of current child/spousal support paid to or on behalf of an assistance unit shall be disregarded when determining both eligibility and grant amount.

(C) Job Training Partnership Act (JTPA). All payments to and earnings of a child which are derived from participation in JTPA programs. All payments to an adult which are derived from participation in JTPA programs.

(D) All earned income of a child under 19 years old is exempt if he/she is a full-time student, or he/she has a school schedule that is equal to at least one-half of a full-time curriculum, and he/she is not employed full time.

(E) Independent Living Program (ILP). Income and incentive payments earned by a child 16 years of age or older who is participating in the ILP.

(F) Relocation Assistance Benefit, paid by a public agency to a recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing.

(G) Payments received under the California Victims of Crimes Program.

(H) Allowance for training expenses paid to recipients participating in Department of Rehabilitation training programs.

(I) Any award or scholarship provided to or on behalf of a dependent child based on the child's academic or extracurricular activity.

(J) Contribution from persons or organizations that would not be available for expenditure unless used in accord with conditions imposed by the donor. For example, an uncle gives \$200 to the household to purchase new tires. \$200 is exempt when receipts for the intended purpose verify the expenditure.

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.3 Income Deductions (Continued)

.36 Excess Shelter Deduction (Continued)

.363 Standard Utility Allowance (SUA)

(a) Entitlement to SUA

- (1) ~~The SUA may be used in calculating shelter costs of those is~~ mandatory for all households which incur heating or cooling costs separate and apart from their rent or mortgage payments. This includes residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering.

(A) (Continued)

- (2) (Continued)

- (3) ~~Food stamp households have the option of choosing either the actual utility costs or the SUA, if they are eligible for SUA. When two or more households are in a shared living situation, the total amount of utility costs used to determine the amount of the deduction for each household shall not exceed the total amount of actual utility costs or SUA for the residence based on the option chosen by the food stamp household, as explained in the first sentence of this section.~~

- (A) ~~A prorated SUA may not be used in conjunction with actual utility expenses, as the combined amount of the deductions may exceed the actual utility cost or SUA for the residence.~~

- (4) ~~If the CWD is unable to accurately determine the pro rata share of utility costs paid by the parties, the actual utility cost paid by the food stamp household shall be used.~~

- (5) ~~Households living in a public housing unit or other rental housing unit which has central utility meters and are charged for only excess utility costs shall not be entitled to claim the SUA. Households not entitled to the SUA may claim actual utility expenses for any utility which they pay separately. However, a household cannot simultaneously claim both the SUA and actual utility expenses. Verification of utility expenses shall be made as specified in Sections 63-300.51(f) and 63-504.341.~~

- (b) ~~A standard telephone allowance of \$20 shall be used only in instances where the household has a telephone, or in its absence, an equivalent form of communication and is not entitled to the SUA. If the household's actual telephone service fee is greater than the standard allowance, and it represents the lowest available rate to the household, the household may request to have the actual service fee used. The household must be able to verify the actual cost claimed. Failure to have a telephone will not preclude use of the full SUA.~~
- (e) ~~Except as provided in Section 63-502.363(b), the household entitled to the SUA shall be advised at initial certification, recertification and when a household moves that it may, instead of using the SUA, deduct its total actual utility costs if the household can verify these costs. Households certified for 24 months may also choose to switch between standard and actual costs at the time of the mandatory interim contact.~~
- (db) The SUA for food stamp households shall be adjusted annually by SCDSS to reflect increases or decreases in the cost-of-living ~~occurring after June, 1982. The first such adjustment becomes effective January 1, 1983 and subsequent adjustments shall take effect each January 1 through September 30, 1994. The SUA annual adjustments shall take effect each on October 1st, beginning October 1, 1994.~~
- (1) The cost-of-living shall be calculated by CDSS based on the weighted average of the Fuel and Other Utilities Index of the Consumer Price Index for All Urban Consumers (CPI-U), when published by the U.S. Department of Labor, Bureau of Labor Statistics for Los Angeles-Long Beach-Riverside-Anaheim and San Francisco-Oakland-San Jose. The weighting factor for each area is as used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).
(Continued)
- (ec) (Continued)
- (d) A household that is not eligible for the SUA, but incurs expenses for at least two separate types of utilities (other than heating and cooling) is eligible for a Limited Utility Allowance (LUA). Allowable utilities include telephone, water, sewerage, and garbage or trash collection. The LUA will be adjusted annually in accordance with Sections 63-502.363(b) and (b)(2).

- (1) The cost-of-living shall be calculated by CDSS based on the U.S. City Average, using the Water, Sewer, and Trash Utility Index of the CPI-U, when published by the U.S. Department of Labor, Bureau of Labor Statistics.
- (e) A household that is not eligible for either the SUA or LUA, but incurs telephone costs only, is entitled to a Telephone Utility Allowance (TUA) of \$20. It shall be used only in instances where the household has a telephone, or in its absence, an equivalent form of communication.
- (f) Verification of utility expenses shall be made as specified in Sections 63-300.51(f) and 63-504.341.

.37 Shared Living Expense Deductions (Continued)

.371 Treatment of a Food Stamp Household that Contains an Excluded Member(s)

When the food stamp household lives with and shares utility expenses with an excluded/ineligible household member(s), the CWD shall not prorate the SUA. ~~Refer to Sections 63-502.362, .363 and .375 to determine the allowable deduction for actual expenses.~~

.372 Treatment of Separate Households

The food stamp household may live with another household(s) which may or may not participate in the Food Stamp Program. If these households share shelter and/or utility expenses, the CWD will ~~either allow actual expenses for each household or allow actual shelter expenses and divide the standard utility allowance equally by the number of the households contributing to the expense.~~ If the food stamp eligible household(s) is eligible for a utility allowance, it will receive the full allowance and there will be no pro-ration among eligible households.

- (a) ~~Under no circumstance is the total amount of utility costs used to determine the amount of the deduction to exceed the total amount of the actual utility costs or SUA for the residence.~~
- (b) ~~a) For the food stamp household(s), the CWD shall use the household's share of utility expense to then determine the Food Stamp household's utility deduction allowance and the household's actual shelter/rent expense to determine the shelter deduction, based on its household composition. Refer to Sections 63-502.373 and .374.~~

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(e) UTILITY ALLOWANCE DECISION CHART

IF THE HOUSEHOLD (HH)...

THEN ...

~~SEPARATE RESIDENCE-SEPARATE METER~~

- (1) ~~Lives in a separate residence and pays heating and cooling based on its own metered usage.~~

~~Allow full SUA or actual costs, based on HH choice.~~

~~SEPARATE RESIDENCE-SHARED METER~~

- (2) ~~Lives in a separate residence from another HH but shares a meter and each HH is billed a percentage of the utilities by a nonresident landlord.~~

~~Allow actual costs for both HHs.~~

- (3) ~~Lives in a separate residence but shares utility meter, and one HH is billed for the cooling and/or heating, and the other pays a percentage of the total bill (neither HH is the landlord).~~

~~Allow full SUA or actual net costs for the HH which is billed (HH's choice); the other is allowed the actual costs. May mix SUA and actuals because of separate residence.~~

- (4) ~~Lives in separate residence and shares the meter—HH #1 billed for the heating and HH #2 for cooling.~~

~~Allow full SUA or actual costs for each HH. May mix because of separate residence.~~

~~SHARED RESIDENCE (Refer to Section 63-502.375 if HH has excluded members.)~~

- (5) ~~Shares a residence, shares billed expenses, including but not limited to each paying a percentage or portion, or one HH pays for the heating costs and the other pays for the cooling.~~

~~If the FSHH chooses SUA, divide the SUA among the number of households contributing. Allow FSHH's pro rata share of the SUA. If FSHH chooses actual expenses, allow the actual amount paid.~~

- (6) ~~Shares a residence—HH #1 is billed for utilities and HH #2 pays rent including utilities.~~

~~Allow full SUA or actual expenses for HH #1 (HH's choice). Allow actual housing costs (rent) and no separate utilities for HH #2 because the utility costs are included in its rent.~~

- (7) Shares a residence—HH #1 is billed
and HH #2 pays a flat amount to HH #1

for utilities separate from rent.

~~If the FSHH chooses SUA, divide
the SUA among the number of
households contributing. Allow
FSHH's pro rata share of the SUA.
If FSHH chooses actual expenses,
allow actual amount paid.~~

HOMELESS HOUSEHOLDS

- (8) Receives Homeless Shelter
Deduction.

Not entitled to SUA.

HANDBOOK ENDS HERE

.373 Food Stamp Households with Excluded Members

The CWD must identify which excluded members are contributors. Contributors are those household members who share the residence and the expense of that residence by paying or obligating money from their separate income or resources. ~~If the excluded member(s) lives with and shares utility expenses with the food stamp household and the food stamp household elects the SUA, refer to Section 63-502.371.~~

- (a) IPV Disqualifications and/or Workfare/Work Sanctions

If the food stamp household shares deductible expenses with members who are excluded because they are IPV disqualified or have been sanctioned for refusing to fulfill workfare or work requirements, the entire rent and utility ~~amounts~~ allowance are counted as deductions for the Food Stamp household budget.

- (b) Ineligible Noncitizens and/or SSN Disqualifications

If the food stamp household members who are ineligible noncitizens or members excluded for SSN disqualification pay part or all of the deductible expenses, the expenses (excluding the utility allowance) will be prorated among all members and only the eligible members' share is counted as the deduction. Refer to MS 63-502.375 for instructions on how to prorate. Utility allowances shall not be pro-rated. (Continued)

- (c) SSI Recipients and/or Excluded Students (Continued)

If the food stamp household shares deductible expenses with members who are excluded because they are SSI recipients or excluded students, amounts contributed by those excluded members shall be deducted from the allowable expense. Only the remaining dollar amount shall be allowed as the Food Stamp household's deduction. Utility allowance shall not be pro-rated. (Continued)

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.374 CWDs may use the following chart when calculating shelter expenses in shared living situations. Additionally, the following steps may be helpful in the calculation process: (Continued)

- (c) Determine the amount of the Food Stamp household's contribution. See the ~~Rent and Utilities sections of the~~ Decision Chart below. (Continued)

DEDUCTION DECISION CHART IN SHARED LIVING ARRANGEMENTS

	<u>Within Residence</u>		<u>Within FSHH</u>	
	Separate HHs: Includes roomers, attendants, or others who live with HH but purchase and prepare allow full SUA separately (i.e., another family)	IPV/Work Sanction Within the FSHH	SSI/Recipient Excluded Student Within the FSHH	Ineligible Noncitizen/SSN Disqualified Within the FSHH
Utilities SUA or Actuals (M.S. 63-502.353)	If FSHH is eligible for and chooses the SUA, prorate: Divide the SUA evenly among number of HHs contributing. Allow FSHH's pro rata share. Allow actuals if FSHH chooses.	Count total of eligibles' and IPV/work sanctioned members' actuals in FS budget. If sharing utilities with FSHH, allow full SUA.	Known contribution: Deduct from total; allow amount paid by FSHH as deduction. Unknown contribution: Prorate: Divide evenly among eligibles and excluded members contributing; allow eligible members' share. If sharing utilities with FSHH, allow full SUA.	Prorate expense: Divide evenly among eligibles and these excluded members; count eligibles' share. If sharing utilities with FSHH, allow full SUA.

(Continued)

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.375 To prorate within the food stamp household, the CWD shall: (Continued)

- (c) Multiply the pro rata share from (b) above by the number of food stamp eligible persons and IPV or workfare/work sanctioned persons from (a)(1) above. This is the pro rata share of expenses to allow the food stamp eligible members. ~~If the excluded member(s) lives with and shares utility expenses with the food stamp household and the food stamp household elects the SUA, do not prorate the SUA refer to Section 63-502.371.~~

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.376 Examples (Continued)

- I. Mother-utilities ineligible noncitizen, contributes towards rent and
2 Children - AFDC

Total rent: \$300 eligible for ~~and chooses~~ SUA: = \$227 (Continued)

- II. Mother - ineligible noncitizen; doesn't contribute to expenses;
2 Children- AFDC has no income.

Total rent: \$300 eligible for ~~and chooses~~ SUA: \$227 (Continued)

- III. Mother - ineligible noncitizen; contributes towards rent and
2 Children - utilities AFDC
Unrelated adult - shares expenses and contributes \$150 for rent and \$113
Excluded student - no contribution; purchases and prepares with mother
and children

Total rent: \$400 _____ eligible for ~~and chooses to divide the~~ SUA: $227 \div 2 = 113.50$ (Continued)

Step 1. (Continued)

Step 2. (Continued)

Step 3. Determine amount of each HHs' contribution

HH A: Rent $\$400 - \$150 = \$250$ SUA ~~\$113.50~~ 227

HH B: Rent \$150 SUA ~~\$113.50~~ 227 (if food stamp eligible)

Step 4. Determine amount to be used in FS budget

HH A: Rent $\$250 \div 3$ (mother + 2 AFDC children) =
 $\$83.33 \times 2$ (2 children) = \$166.67

NOTE: Excluded student doesn't contribute, therefore isn't included in the proration

~~SUA \$113.50 SUA is prorated between HH A and HH B. \$113.50 is allowed in the FS budget.~~ Allow full SUA for HH A and HH B (if food stamp eligible).

- IV. Mother - IPV disqualified: contributes to rent and utilities
2 Children - AFDC
SSI recipient contributes, but amount of contribution is unknown;
purchases and prepares with mother and children

Total rent: \$400 eligible for ~~and chooses~~ SUA: \$227 (Continued)

Step 1. (Continued)

Step 2. (Continued)

Step 3. (Continued)

Step 4. Determine amount to be used in FS budget

HH A: Rent $\$400 \div 4$ (mother, two children and SSI recipient)
= $\$100 \times 3$ (2 AFDC children + mother) = \$300
SUA \$227. ~~Full~~ SUA allowed.

V.	Father -	contributes to utilities and shelter
	3 Children -	AFDC
	Ineligible noncitizen	
	adult -	unemployed ineligible noncitizen who contributes \$150 per month for rent and utilities; purchases and prepares with father and children

Total Rent: \$400 eligible for ~~and chooses~~ SUA: \$227 (Continued)

Step 1. (Continued)

Step 2. (Continued)

Step 3. Determine amount of each HH's contribution

HH A: Rent \$400 SUA $\$227 - \$0 = \$227$

Step 4. Determine amount to be used in FS budget

HH A: Rent $\$400 \div 5 = \80
 $\$80 \times 4$ (father and 3 children) = \$320

NOTE: Known contribution of ineligible alien is not deducted. He/she is included in the proration and the FSHH is allowed all but his portion.

SUA \$227. ~~Full~~ SUA allowed.

VI.	Mother-	contributed to rent and utilities
	2 Children	receive AFDC
	SSI child -	sibling of AFDC children; contribution unknown
	Ineligible noncitizen	
	adult	no contribution; purchases and prepares food with mother and children
	SSI grandmother -	contributes \$150 towards rent; purchases and prepares separately

Total rent: \$500 eligible for ~~and choose~~ SUA: \$227 (Continued)

Step 1. (Continued)

Step 2. (Continued)

Step 3. (Continued)

Step 4. Determine amount to be used in FS budget

HH A: Rent $\$350 \div 4$ (mother, SSI child, and AFDC children) =
 $\$87.50 \times 3$ (mother and AFDC children)* = \$262.50
SUA \$227. Full SUA Allowed.

*Note: The ineligible noncitizen was not included in the proration of the rent in Step 4 as this individual does not pay anything towards these expenses (therefore is not a contributor).

~~Whether or not the ineligible noncitizen contributes, the FSHH is allowed the full SUA (i.e. no proration of the SUA if the FSHH is contributing toward utilities).~~

HANDBOOK ENDS HERE

~~.38 Child Support Deduction~~

~~.381 The child support deduction is the monthly amount of child support payments that a household member, with a legal obligation to pay child support payments to or for an individual living outside of the household, actually makes.~~

~~.382 The payments shall be verified as specified in Section 63-300.51(j).~~

~~.383 Households that fail or refuse to cooperate by supplying the necessary verifications shall have their eligibility and benefit level determined without a child support deduction.~~

~~.384 Payments are deductible only to the extent that they represent the household's child support obligation which has been ordered by a court or administrative authority.~~

~~.385 Child support payments made to a third party (e.g., a landlord or utility company) on behalf of the nonhousehold member in accordance with the support order shall be included in the child support deduction. Payments made by a household with a legal obligation to obtain health insurance for a child shall also be included as part of the child support deduction.~~

~~.386 Amounts paid toward arrearages shall be deductible.~~

Authority cited: Sections 10553, 10554, 11209, 18900, 18901 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Public Law (P.L.) 99-603, Section 201(a), Section 245A(h)(1)(A)(iii), Immigration Reform and Control Act; 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; P.L. 101-201; P.L. 101-508, Section 11111(b); P.L. 103-66, Section 5(c), (d) and (e) and Section 8(a); 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 273.1(c)(6); 7 CFR 273.4(a) and (c)(2); 7 CFR 273.7(f); 7 CFR 273.9; 7 CFR 273.9(b)(1), (b)(1)(v), (c), (c)(1)(i)(E), and (c)(1)(ii); (c)(1)(ii)(G), (c)(8), (c)(11)(i) and (ii), (d), (d)(6), (d)(6)(iii)(F), and proposed (d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, 7 CFR 273.10(d)(1)(i) and (e)(1)(i)(H); 7 CFR 273.11(b)(1); 7 CFR 273.11(c), (d) and (d)(1) and (e); 7 CFR 273.21(j)(1)(vii)(A); 7 United States Code (U.S.C.) 2014(c), (d), (d)(6), (d)(18)(A), (e), (e)(6)(C)(iii), (k)(1)(B), and (k)(2)(F); 7 U.S.C. 2015(e); 7 U.S.C. 2017(a); 20 U.S.C. 2466d.; 26 U.S.C. 32(j)(5); P.L. 104-193, Sections 807, 808, 809, 811, and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) [Dock. No. CV-89-0768].); United States Department of Agriculture (U.S.D.A.) Food and Consumer Services (FCS) Administrative Notice (AN) 88-40, Indexed Policy Memo 88-10, dated April 20, 1988; U.S.D.A., FNS ANs 91-24, 91-30, 94-39, 94-41, dated April 19, 1994; the July 8, 1988 district court order in Hamilton v. Lyng; and Section 4103, Food Stamp Reauthorization Act of 2002, P.L. 170-171 [7USC 2014(d) and (e)]; ~~and~~ U.S.D.A., FNS AN 02-23, dated February 6, 2002; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-503.251, .311, .312, .441(a), and .442(c) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

.2 Determining Resources, Income and Deductions (Continued)

.25 (Continued)

(QR) Determining Deductions for Change Reporting and QR/RB Households

Deductible expenses include only certain medical, dependent care, and shelter costs, ~~and child support as specified in Section 63-502.3.~~ Treatment of deductions for households subject to QR/PB are specified in Sections 63-509(a)(3), (a)(3)(A), (a)(3)(B), and (a)(3)(C).

.251 Billed Expenses

Except as specified in Section 63-503.252 for averaged expenses ~~and Section 63-502.37 for the child support deduction~~, a deduction shall be allowed only for the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. Rent which is due each month shall be included in the household's shelter expenses, even if the household has not yet paid the expense. Amounts carried forward from past billing periods shall not be deducted, even if included with the most recent billing and actually paid by the household. In any event, an allowable expense shall be deducted only once.
(Continued)

.253 Anticipating/Estimating Expenses (Continued)

(b) (Continued)

Other Expenses

(QR) The CWD shall calculate a change reporting household's expenses based on the expenses the household expects to be billed for ~~or based on the payments expected to be made for the child support deduction~~ during the certification period. Anticipation of the expenses ~~or payments for the child support deduction~~ shall be based on the most recent month's bills ~~or payments for the child support deduction~~, unless the household is reasonably certain a change will occur. ~~When the household is not claiming the standard utility allowance, the CWD may anticipate changes during the certification period based on last year's bills from the same period updated by overall certification period may be based on utility company estimates for the type of dwelling and utilities used by the~~

~~household. The CWD shall not average past expenses, such as utility bills for the last several months, as a method of anticipating utility costs for the certification period.~~ (Continued)

.3 Calculating Net Income and Benefit Levels

.31 Net Monthly Income (Continued)

.311 (Continued)

~~(g) Subtract allowable monthly child support payments as specified in Section 63-502.37.~~

~~(hg)~~ (Continued)

~~(ih)~~ (Continued)

.312 (Continued)

~~(h) Subtract the allowable monthly child support payments as specified in Section 63-502.37.~~

~~(ih)~~ (Continued)

~~(ji)~~ (Continued)

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members

.441 (Continued)

(a) Income, Resources, and Deductible Expenses

The income and resources of the excluded household member(s) shall continue to be counted in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, ~~child support as specified in Section 63-502.37,~~ and excess shelter deductions shall continue to apply to the remaining household members.

.442 (Continued)

(c) Deductible Expenses (Continued)

(2) The household's allowable shelter and dependent care, ~~and child support expenses as specified in Section 63-502.37~~ which are paid in their entirety by the excluded member(s) shall be prorated

as specified in Section 63-502.36 and only the Food Stamp eligible member'(s) pro rata share shall be counted as a deduction.

- (3) If such excluded member(s) shares allowable shelter, utility and dependent care expenses, ~~and/or child support expenses as specified in Section 63-502.37~~ with the Food Stamp eligible household member(s), deduct the excluded member's contribution from the applicable expense and the net amount is the Food Stamp household's allowable deduction. If the contributed amount cannot be differentiated (e.g., pooled income), the Food Stamp household's deduction amount shall be determined as specified in Section 63-502.36. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11265.1, .2 and .3, 11369, 18901.3, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18901.3, 18904, and 18910, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.4(c)(2), (c)(2)(i), (c)(2)(i)(A), (c)(2)(iv), (c)(2)(v), (c)(3)(v), and (e)(1) and (2); 7 CFR 273.9(b)(1)(ii), (b)(2)(ii), and (d)(6)(iii)(F); 7 CFR 273.10; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(1)(i) through (iii), (a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.12(a)(1)(i)(A), (a)(1)(i)(B), (a)(1)(i)(C)(2), and (c)(3)(iv); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); 7 CFR 273.24(b)(4); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock No. CV-89-0768]; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; Public Law (P.L.) 100-435, Section 351, and P.L. 101-624, Section 1717; [7 United States Code (U.S.C.) 2012, 2014(d)(6), (e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); 8 U.S.C. 1631, P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, Federal Register, Vol. 66, No. 229, dated November 28, 2001, USDA FNS AN 03-23, dated May 1, 2003; ~~and~~ Food and Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-504.421(c), .61(i)(4), and .631 (a) and (b) to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504
(Continued)

.4

.42 (Continued)

.421 (Continued)

(c) (Continued)

(2) ~~The CWD shall not verify utility expenses which are unchanged or have changed by \$25 or less.~~

(32) (Continued)

(43) (Continued)

.6 Recertification of All Households (Continued)

.61 General Requirements (Continued)

(i) CWD Action on Untimely Applications for Recertification (Continued)

(4) Any applications not submitted in a timely manner shall be treated as an application for initial certification. For nonmonthly reporting households who submit applications within 30 days after the certification period expires, previously verified income ~~or actual utility expenses~~ need not be verified if the source has not changed and the amount has not changed by more than \$25.

.63 (Continued)

.631 The following verification requirements shall apply at recertification:

(a) The CWD shall verify: A change in income ~~or actual utility expenses~~ if the source has changed or the amount has changed by more than \$25; previously unreported medical expenses and total recurring medical expenses which have changed by more than \$25; a change in the legal obligation to pay child support or an increase in the amount of child support paid.

- (b) The CWD shall not verify the following: income if the source is unchanged and the amount has changed by \$25 or less; changes of \$25 or less in total medical expenses ~~or actual utility expenses~~; or decreases in the amount of child support paid. However, any questionable information related to the above expenses which is incomplete, inaccurate, inconsistent, or outdated shall be verified. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11265.1, .2, and .3, 11369, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18901.6, 18904, and 18910, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f) (8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (f)(8)(ii), (h), and (h)(1)(i)(D), 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.9(d)(6)(iii)(F), 7 CFR 273.10(d)(4), (f), (g)(1)(i) and (ii); 7 CFR 273.12(a)(1)(i)(A), (a)(1)(i)(B), and (a)(1)(i)(C)(2); proposed 7 CFR 273.12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.12(e)(1), (e)(2), and (e)(4); 7 CFR 273.13(a)(2); 7 CFR 273.13(b)(1); 7 CFR 273.14; 7 CFR 273.14(b)(3) and (e); 7 CFR 273.18(e)(6)(ii); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), (f)(2)(v), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(B), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; Public Law (P.L.) 100-435, Section 351, P.L. 101-624, and P.L. 103-66; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014(d)(7), and (e)(6)(C)(iii), 2017(c)(2)(B) and 2020(s); U.S.D.A. Food and Consumer Services, Administrative Notices 94-39 and 97-50; P.L. 104-193, Sections 801, 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; Federal Administrative Notice 97-99, dated August 12, 1997; ~~and~~ United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) Administrative Notice (AN) 03-23, dated May 1, 2003;and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-505.311, .44, and.517 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.3 (Continued)

(MR)Reported Information for Monthly Reporting Households (Continued)

(QR) Reported Information for QR Households

Households shall report on a quarterly basis, the following information about the household.

.31 (Continued)

.311 Households need not report the receipt or amount of any PA, FC, GA, RCA, or ECA ~~or child/spousal support disregard~~ payments paid by the CWD from which the household is receiving food stamp benefits.

.4 (Continued)

.44 (Continued)

(~~e~~) Utility costs, if the household is claiming actual expenses, when first allowed as a deduction and when the household moves;

(~~f~~) (Continued)

(~~g~~) (Continued)

(~~h~~) (Continued)

(~~i~~) (Continued)

.5 (Continued)

.51 Household Responsibility to Report (Continued)

.517 A change in the amount of child support payments made to a nonhousehold member as specified in Section 63-502.37 2(p), and/or a change in the legal obligation to pay child support. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11265.1, .2 and .3, 11369, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 10830, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code; 7 CFR 272.4(f); 7 CFR 273.2(j)(3) and (4); 7 CFR 273.10(d)(4); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12, (a)(1)(i), (a)(1)(i)(A), (a)(1)(i)(B), (a)(1)(i)(C)(2), and proposed .12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(d); proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.21(b), (b)(4), (f)(2)(v), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3), and (i); 7 CFR 273.12(a)(1)(vii); 7 CFR 273.24(a)(1)(i) and (b)(7); P.L. 100-435, Section 351; P.L. 101-624, Section 1717 [7 U.S.C. 2014(e)] and Section 1723 [7 U.S.C. 2015(c)(1)(A)]; P.L. 102-237, Section 908 [7 U.S.C. 2016(h)(1)]; 7 U.S.C. 2014(d)(6) and (e)(6)(C)(iii); Food and Consumer Services Administrative Notice 96-13, dated December 7, 1995; United States Department of Agriculture, Food and Nutrition Service Administrative Notice 03-23, dated May 1, 2003; Letter from Food and Consumer Services to Fred Schack, dated March 25, 1996; Food Stamp Act of 1977; ~~and~~ Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-508.45 to read:

63-508 QUARTERLY REPORTING (Continued)

63-508

.4 (Continued)

.45 (Continued)

~~.451 For child/spousal disregard payments, the agency record shall be the verification.~~

Authority cited: Sections 10554, 11265.1, .2, .3, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code; ~~and~~ Food and Nutrition Service Quarterly Reporting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171) [7 U.S.C. 2014(d)(6)].

Amend Section 63-509(a)(3)(C) to read:

63-509 INCOME ELIGIBILITY AND BENEFIT CALCULATION
FOR QUARTERLY REPORTING (Continued)

63-509

(a) Income Eligibility and Grant Calculation for Quarterly Reporting Households (Continued)

(3) Reasonably Anticipated Medical, Child Support and Child Care Expenses..(Continued)

(C) Utility Costs

~~Utility costs~~ Entitlement to the SUA, LUA, or telephone allowance shall be determined at application and at recertification and shall remain in effect ~~at the same fixed amount~~ during the certification period ~~per Section 63-502.363.~~ ~~, with the exception of households entitled to the SUA. Households that have elected the SUA at initial application, recertification or when a household moves may switch to actual utility expenses per Section 63-502.363(5)(e).~~

- ~~1. Households that switch utilities mid quarter shall have their benefits supplemented if the result of the utility change would increase benefits. In no event shall benefits be decreased mid quarter for utility changes elected by the household.~~
- ~~2. A "NO Change NOA" shall be sent to the household with a reminder to report the new utility election on the next QR 7 if the utility election would cause benefits to decrease mid quarter.~~
- ~~3. Anticipated actual utility amounts shall be averaged over a 12 month period and the resultant monthly amount shall remain fixed until there is another utility change at recertification or when the household moves.~~
 - ~~a. The CWD shall verify, at county option, a household's utility expenses if the household requests to claim expenses in excess of the SUA and the expense would actually result in a deduction.~~

(4) Income Averaging Over the Quarter (Continued)

Authority cited: Sections 10553, 10554, 11265, 18901.3, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18901.3, 18904, and 18910, Welfare and Institutions Code; ~~and~~ Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171) [7 U.S.C. 2014(e)(6)(C)(iii)].